

From: Washington State Dairy Federation [wsdf@msn.com]

Sent: Thursday, October 27, 2005 10:26 AM

To: Hancock, Kevin; Selby, Melodie

Cc: Hennessey, Jennifer (ECY); Mena, Nora (AGR)

Subject: RE:

Melody and Kevin,

I have a couple of Concerns on the Draft Permit

1. The language below is from the Draft permit, I have a question: Is the use of "and" between these sections 1-4 an error? If it is not an error then I am curious about your logic in requiring permitted CAFO's that never had a discharge or who were never designated to first go out of business before they can request termination of coverage.

S7. TERMINATION OF COVERAGE

A. A permitted CAFO may request termination of coverage under this permit when the following conditions have been met:

- 1. A facility that did not have a discharge or was not designated a CAFO requests permit termination and,*
- 2. The facility has ceased operation and,*
- 3. The permittee has demonstrated to the satisfaction of the Department that there is no remaining potential for a discharge of manure, litter or associated process wastewater that was generated while the operation was a CAFO, other than agricultural stormwater from land application areas and,*
- 4. There are no outstanding fees or penalties.*

3. My second question is this:

There does not seem to be any mention in this permit about Chronic or Catastrophic conditions. As you remember we had a big problem last winter in Whatcom County and our Farmers, your staff, WSDA staff and EPA staff all were stuck in a catch 22. This permit is an opportunity to have a collective dialog and establish a written understanding of when a discharge is classified as a violation and when it is not (under the Clean Water act).

I would certainly recommend that this discussion is very important to most of the stakeholders, including the tribes, the agencies, the environmental community and our farmers. I know that this addition may be a significant change to the permit and require another round of hearings, but I think that five more years of uncertainty is also not a good thing. We have watched hurricane after hurricane hit the SE and I know today that without some resolution in Washington we are just waiting for a big rain or snow event to create a conflict.

HELP?

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